

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michael A. Starocci
Debtor(s)

Bankruptcy Case No.: 17-11065-TPA
Per April 10, 2018 Proceeding
Chapter: 13
Docket No.: 37 – 10, 21
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 20, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,437.00 as of December 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☒ B. The length of the Plan is increased to a total of 42 months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Wells Fargo Bank, N.A. (Claim No. 8) .
- ☒ H. Additional Terms: Plan extended by 6 months (to 42 months) to create additional funds for unsecured creditors in consideration of Trustee's recommendation at confirmation.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: April 11, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Michael A. Starocci
 Debtor

Case No. 17-11065-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

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 Total Noticed: 32

Date Rcvd: Apr 11, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 13, 2018.

db
 14706322 +Michael A. Starocci, 826 Cherry Street, Erie, PA 16502-1361
 +ACL, 1526 Peach Street, Erie, PA 16501-2110
 14706323 #+Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012
 14781882 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 14706324 +Borrowersfir, 1114 Lost Creek Boulevard, Austin, TX 78746-6300
 14706325 +Chase Card, Attn: Correspondence, Po Box 15298, Wilmington, DE 19850-5298
 14706326 +Citibank / Sears, Citicorp Credit Services/Attn: Centraliz, Po Box 790040,
 Saint Louis, MO 63179-0040
 14706327 +Citibank/The Home Depot, Citicorp Cr Srvs/Centralized Bankruptcy, Po Box 790040,
 S Louis, MO 63179-0040
 14706328 +Comenitycapital/goodsam, Comenity Bank, Po Box 182125, Columbus, OH 43218-2125
 14706330 +Erie Community Credit Union, 1129 State St, Erie, PA 16501-1911
 14726988 First Associates Loan Servicing, LLC, as agent for BFCL Trust, PO Box 503430,
 San Diego, CA 92150-3430
 14706331 +First National Bank, Attn: FNN Legal Dept, 1620 Dodge St Mailstop Code 3290,
 Omaha, NE 68102-1593
 14713071 +First National Bank of Omaha, 1620 Dodge St., Stop Code 3105, Omaha, NE 68197-0002
 14706333 +Nationstar Mortgage LLC, Attn: Bankruptcy, 8950 Cypress Waters Blvd,
 Coppell, TX 75019-4620
 14730729 +Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9096
 14706335 +SST/Best Egg, Attn: Bankruptcy, 4315 Pickett Rd, Saint Joseph, MO 64503-1600
 14782374 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 14748849 +Wells Fargo Bank, N.A., Attn: Payment Processing, MAC #X2302-04C, One Home Campus,
 Des Moines, IA 50328-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14711587 E-mail/Text: mrdiscen@discover.com Apr 12 2018 01:37:55 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14706329 +E-mail/Text: mrdiscen@discover.com Apr 12 2018 01:37:55 Discover Financial, Po Box 3025,
 New Albany, OH 43054-3025
 14706332 +E-mail/Text: bankruptcy@huntington.com Apr 12 2018 01:38:25 Huntington Natl Bk,
 Huntington National Bank - Bankruptcy No, Po Box 89424, Cleveland, OH 44101-6424
 14792650 E-mail/PDF: resurgentbknofifications@resurgent.com Apr 12 2018 01:43:59 LVNV Funding LLC,
 c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14783540 E-mail/PDF: resurgentbknofifications@resurgent.com Apr 12 2018 01:43:40
 LVNV Funding, LLC its successors and assigns as, assignee of CVI MF Grantor Trust III,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14732668 E-mail/PDF: cbp@onemainfinancial.com Apr 12 2018 01:43:11 ONEMAIN, P.O. BOX 3251,
 EVANSVILLE, IN 47731-3251
 14706334 +E-mail/PDF: cbp@onemainfinancial.com Apr 12 2018 01:43:47 Onemain, Po Box 1010,
 Evansville, IN 47706-1010
 14764737 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 12 2018 01:43:15
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14706563 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 12 2018 01:43:38
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14721795 E-mail/Text: bnc-quantum@quantum3group.com Apr 12 2018 01:38:05
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14706336 +E-mail/PDF: gecsed@recoverycorp.com Apr 12 2018 01:43:32 Synchrony Bank,
 Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
 14706337 +E-mail/PDF: gecsed@recoverycorp.com Apr 12 2018 01:43:49 Synchrony Bank/Walmart,
 Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
 14708691 +E-mail/Text: bankruptcy@huntington.com Apr 12 2018 01:38:25 The Huntington National Bank,
 PO Box 89424, Cleveland, OH 44101-6424
 14706338 +E-mail/Text: BankruptcyNotice@upmc.edu Apr 12 2018 01:38:54 UPMC, 200 Lothrop Street,
 Pittsburgh, PA 15213-2536

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nationstar Mortgage LLC d/b/a Mr. Cooper
 cr WELLS FARGO BANK, N.A.
 cr* LVNV Funding LLC, c/o Resurgent Capital Services, P.O. Box 10587,
 Greenville, SC 29603-0587
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14706339* +ACL, 1526 Peach Street, Erie, PA 16501-2110
 14706340* +Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012
 14706341* +Borrowersfir, 1114 Lost Creek Boulevard, Austin, TX 78746-6300
 14706342* +Chase Card, Attn: Correspondence, Po Box 15298, Wilmington, DE 19850-5298
 14706343* +Citibank / Sears, Citicorp Credit Services/Attn: Centraliz, Po Box 790040,
 Saint Louis, MO 63179-0040
 14706344* +Citibank/The Home Depot, Citicorp Cr Srvs/Centralized Bankruptcy, Po Box 790040,
 S Louis, MO 63179-0040
 14706345* +Comenitycapital/goodsam, Comenity Bank, Po Box 182125, Columbus, OH 43218-2125
 14706346* +Discover Financial, Po Box 3025, New Albany, OH 43054-3025
 14706347* +Erie Community Credit Union, 1129 State St, Erie, PA 16501-1911

District/off: 0315-1

User: jmar
Form ID: 149

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Total Noticed: 32

Date Rcvd: Apr 11, 2018

***** BYPASSED RECIPIENTS (continued) *****

14706348* +First National Bank, Attn: FNN Legal Dept, 1620 Dodge St Mailstop Code 3290,
Omaha, NE 68102-1593
14706349* +Huntington Natl Bk, Huntington National Bank - Bankruptcy No, Po Box 89424,
Cleveland, OH 44101-6424
14706350* +Nationstar Mortgage LLC, Attn: Bankruptcy, 8950 Cypress Waters Blvd,
Coppell, TX 75019-4620
14706351* +Onemain, Po Box 1010, Evansville, IN 47706-1010
14706352* +SST/Best Egg, Attn: Bankruptcy, 4315 Pickett Rd, Saint Joseph, MO 64503-1600
14706353* +Synchrony Bank, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
14706354* +Synchrony Bank/Walmart, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
14706355* +UPMC, 200 Lothrop Street, Pittsburgh, PA 15213-2536

TOTALS: 2, * 19, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 13, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 11, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
bkgroup@kmlawgroup.com
Karina Velter on behalf of Creditor WELLS FARGO BANK, N.A. amps@manleydeas.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Rebeka Seelinger on behalf of Debtor Michael A. Starocci rebeka@seelingerlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5